

(D) FAILURE TO FILE REPORT OF THEFT PROHIBITED.

A PERSON MAY NOT FAIL TO FILE A REPORT OF THEFT OF EXPLOSIVES REQUIRED UNDER § 11-113 OF THIS SUBTITLE.

(E) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, §§ 31A, 34D, and 27B(b), (c), and (d)(1).

In subsection (e) of this section, the reference to being guilty "of a misdemeanor" is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (e) of this section, the former phrase "in the discretion of the court" is deleted as implicit in the prerogatives of courts.

Defined terms: "Dealer" § 11-101

"Explosives for use in firearms" § 11-101

"Person" § 1-101

11-116. ADDITIONAL PENALTIES.

(A) FOR VIOLATION OF § 11-114(B).

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES § 11-114(B) OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO NEITHER INTENDED TO USE NOR USED THE EXPLOSIVES INVOLVED IN VIOLATION OF:

(I) TITLE 3, SUBTITLE 3 OR SUBTITLE 5, TITLE 5, SUBTITLE 1, SUBTITLE 2, SUBTITLE 3, OR SUBTITLE 4, § 6-602, § 7-402, OR § 12-1101 OF THIS ARTICLE;

(II) TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(III) TITLE 19, SUBTITLE 2 OR SUBTITLE 3 OF THE BUSINESS REGULATION ARTICLE;